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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JENNIFER MARIE JOHNSON,

Defendant.

Case No. 2:20-mj-00698-BNW

**Stipulation to Modify Conditions of
Unsupervised Probation and Close Case**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Mina Chang, Assistant United States Attorney, counsel for the United States, and Rene L. Valladares, Federal Public Defender, and Keisha K. Matthews, Assistant Federal Public Defender, counsel for defendant Jennifer Marie Johnson, that the Court (1) modify defendant Jennifer Marie Johnson's terms of unsupervised probation¹ to include an intermittent confinement condition for a term of time served; (2) waive completion of three previously ordered special conditions of probation; (3) vacate the Status Hearing currently set for October 24, 2024 at 9:30 a.m. in

¹ Defendant waives her right to a hearing to modify her conditions of probation. *See* Fed. R. Crim. P. 32.1(c)(2).

1 this matter; and (4) close this case for completion of defendant's terms and conditions of
2 probation.

3 This Stipulation is entered into for the following reasons:

4 1. On July 20, 2021, defendant pleaded guilty to Refusal to Submit to a
5 Chemical Test in violation of 36 C.F.R. § 4.23(c)(2). ECF No. 29. The Hon. Judge Albregts
6 sentenced defendant to one year of unsupervised probation, with the following four special
7 conditions: payment of a \$25.00 fine and \$10.00 penalty assessment; completion of a lower
8 court DUI course and Victim Impact Panel, completion of an eight-hour online alcohol
9 awareness course; and a six-month Lake Mead National Recreation Area restriction. ECF
10 Nos. 29, 30.

11 2. Defendant did not appear for six hearings set in this case, ECF Nos. 4, 6, 10,
12 14, 27, 40, resulting in three bench warrants issued for her failure to appear. *See* ECF Nos.
13 14, 27, 40. Due to the execution of these bench warrants, ECF Nos. 26, 31, 48, most
14 recently on September 9, 2024, defendant will have been in custody for approximately four
15 days throughout the course of this matter. Defendant is currently out of custody on a
16 personal recognizance bond. ECF No. 49.

17 3. In lieu of the government's seeking to revoke probation or prosecute for
18 failure to appear, the parties agree to modify her conditions of probation to include a
19 condition of intermittent confinement for a term of time served.

20 4. Defendant waives her right to a hearing to modify her conditions of
21 probation. *See* Fed. R. Crim. P. 32.1(c)(2).

22 5. After three continuances to permit defendant time to complete the conditions
23 of her probation, *see* ECF Nos. 33, 36, 39, defendant has been unable to complete the
24 following three special conditions: (i) payment of a \$25.00 fine and \$10.00 penalty

1 assessment; (ii) completion of a lower court DUI course and Victim Impact Panel; and (iii)
2 completion of an eight-hour online alcohol awareness course. *See* ECF No. 30 at 2.

3 6. Defense counsel Benjamin Nemec previously informed that that the
4 defendant suffered financial hardship and possibly lived at a women's shelter that did not
5 provide information about its residents, leading to substantial difficulties in maintaining
6 contact with defendant. *See, e.g.*, ECF No. 32 at 2.

7 7. Given defendant's expressed financial and residential instability, the parties
8 agree to waive the completion of special conditions of probation (i), (ii) and (iii). *See* ECF
9 No. 30 at 2.

10 8. Since commencing her term of unsupervised probation, Ms. Johnson has
11 successfully completed special conditions of probation (iv) and (v). *See id.*

12 9. The parties agree that if the Court were to grant modification of her terms of
13 probation, defendant will have satisfied her conditions of probation, and that the case
14 should be closed.

15 10. A Status Hearing is currently scheduled in this matter for October 24, 2024,
16 at 9:30 a.m. ECF No. 51.

17 11. For the above-stated reasons, the parties respectfully request that the Court:

18 a. Modify defendant's unsupervised probation include a special condition of
19 intermittent confinement, for a term of time served;

20 b. Waive defendant's completion of the following special conditions:

21 i. pay a \$25 fine and a mandatory \$10 penalty assessment;

22 ii. attend and complete the Lower Court Counseling's (1) DUI
23 course and (2) Victim Impact Panel; and

24 iii. complete an eight (8) hour online alcohol awareness course;

c. Vacate the Status Hearing currently set for September 19, 2024, at 9:30 a.m.; and

d. Order that this case be closed as defendant has completed the terms and conditions of her sentence and unsupervised probation.

Dated this 18th day of September 2024.

Respectfully Submitted,

RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

/s/ Keisha K. Matthews
KEISHA K. MATHEWS, AFPD
Assistant Federal Public Defender
Counsel for Defendant Johnson

/s/ Mina Chang
MINA CHANG
Assistant United States Attorney
Counsel for the United States

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[PROPOSED] ORDER

Based on the parties' Stipulation, and good cause appearing therefore,

IT IS ORDERED that defendant Jennifer Marie Johnson's unsupervised probation is modified to include a special condition of intermittent confinement, for a term of time served;

IT IS FURTHER ORDERED that defendant's completion of the following special conditions of probation are waived:

- a. Pay a \$25 fine and a mandatory \$10 penalty assessment;
- b. Attend and complete the Lower Court Counseling's (1) DUI course and (2) Victim Impact Panel; and
- c. Complete an eight (8) hour online alcohol awareness course;

IT IS FURTHER ORDERED that the Status Hearing set for October 24, 2024 at 9:30 a.m. in this matter be vacated; and

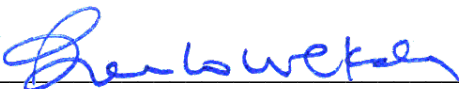
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1 IT IS FURTHER ORDERED that this case be closed as defendant has completed
2 the terms and conditions of her sentence and unsupervised probation.

3 DATED this 30 day of September 2024.
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7 HON. BRENDA N. WEKSLER
8 U.S. MAGISTRATE JUDGE
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